

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: FEBRUARY 7, 2007**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: EOT-18741 - APPLICANT: EDWARD G. RIGGS - OWNER:  
AZRA COMMERCIAL CENTER, LLC**

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**\*\* CONDITIONS \*\***

**STAFF RECOMMENDATION: APPROVAL**, subject to:

**Planning and Development**

1. This Extension of Time will expire on October 05, 2007 unless another Extension of Time is approved by the City Council.
2. Conformance to the Conditions of Approval for Variance (VAR-8344) and all other subsequent related actions as required by the Planning and Development Department and Department of Public Works.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request for an Extension of Time of an approved Variance (VAR-8344) that allowed 60 parking spaces where 210 spaces are required at 4440 East Washington Avenue, Suite #116 (APN 140-29-212-003).

**BACKGROUND INFORMATION**

<i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i>	
11/02/94	The City Council approved a Rezoning [Z-0105-94] from R-E (Residence Estates) and R-1 (Single Family Residential) to R-CL (Single Family Compact-Lot) on the subject site as part of a larger request. The Planning Commission and staff recommended approval.
10/03/95	The City Council approved a Rezoning [Z-0065-95] from R-E (Residence Estates) under Resolution of Intent to R-CL (Single Family Compact-Lot) to C-1 (Limited Commercial) on the subject site as part of a larger request. The Planning Commission and staff recommended approval.
09/08/97	The City Council approved a Rezoning [Z-0075-97] from R-E (Residence Estates) to C-1 (Limited Commercial) on the subject site. The Planning Commission and staff recommended approval.
04/09/98	The Planning Commission approved a Site Development Plan Review [Z-0075-97(10 and Z-0105-97(1) for a 123,182 square foot shopping center on the subject site. Staff recommended approval.
05/11/98	The City Council approved a Special Use Permit [U-0019-98] for a Minor Auto Repair use on the subject site. The Planning Commission and staff recommended approval.
12/01/99	The City Council approved a Special Use Permit [U-0108-99] for Liquor Off-Premise Sales in connection with a proposed supermarket. The application was amended to beer and wine sales only. The Planning Commission and staff recommended approval.
12/15/99	The City Council approved a Special Use Permit [U-0114-99] for an Assisted Living Facility on parcels to the east of the subject site, a Special Use Permit [U-0015-99] for a Car Wash on the subject site and a Site Development Plan Review [Z-0075-97(2)] for a commercial center. The Planning Commission and staff recommended approval of all items.
05/15/02	The City Council approved a Special Use Permit [U-0017-02] for Beer/Wine Off-Premise Sales on the subject site. This application replaced the approval of U-0108-99, as it was never exercised. The Planning Commission and staff recommended approval.

10/05/05	The City Council approved a Variance [VAR-8344] to allow 60 parking spaces where 210 are required and a Special Use Permit [SUP-6932] for a proposed tavern and a waiver of the 1,500 foot separation requirement from a similar use at 4440 East Washington Avenue, Suite #116 (APN 140-29-212-003). The Planning Commission recommended approval. Staff recommended denial.
02/07/07	The City Council will consider a companion item of an Extension of Time [EOT-18740] of an approved Special Use Permit [SUP-6932] that allowed a tavern and a waiver of the 1,500 foot separation requirement from a similar use at 4440 East Washington Avenue, Suite #116 (APN 140-29-212-003). Staff recommends approval.
<b><i>Related Building Permits/Business Licenses</i></b>	
12/11/01	A license for a grocery store (El Toro Supermarket) was issued at 4440 East Washington Avenue, Suite #116. The store went out of business on 04/18/03.
06/05/02	A license for the off-premise sale of beer, wine and wine coolers was issued for a grocery store (El Toro Supermarket) at 4440 East Washington Avenue, Suite #116. The store went out of business on 04/18/03.
07/03/02	A license for restricted gaming at a grocery store (El Toro Supermarket) was issued at 4440 East Washington Avenue, Suite #116. The store went out of business on 04/18/03.
05/15/06	A restricted gaming license [G01-95660] was applied for at 4440 East Washington Avenue, Suite #116, but was never finalized by the City.
<b><i>Pre-Application Meeting</i></b>	
NONE	A pre-application conference is not required for this type of application.
<b><i>Neighborhood Meeting</i></b>	
NONE	A pre-application conference is not required for this type of application.

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Net Acres	2.37

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Commercial Center	SC (Service Commercial)	C-1 (Limited Commercial)
North	Drainage Facility (Las Vegas Wash)	PF (Public Facilities)	No Zoning (Las Vegas Wash)
South	Convenience Store/Gas Station Multi Family Residential	SC (Service Commercial) M (Medium Density Residential)	C-1 (Limited Commercial) R-PD15 (Residential Planned Development – 15 units per acre)
East	Undeveloped	SC (Service Commercial)	R-E (Residence Estates) under Resolution of Intent to C-1 (Limited Commercial)
West	Commercial Center	SC (Service Commercial)	C-1 (Limited Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Area Plan</b>		<b>X</b>	<b>Y</b>
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Purpose and Overlay Districts</b>		<b>X</b>	<b>Y</b>
<b>Trails</b>	<b>X</b>		<b>Y</b>
<b>Rural Preservation Overlay District</b>		<b>X</b>	<b>Y</b>
<b>Development Impact Notification Assessment</b>		<b>X</b>	<b>Y</b>
<b>Project of Regional Significance</b>		<b>X</b>	<b>Y</b>

## ANALYSIS

This is the first Extension of Time for the subject Variance (VAR-8344), which was approved by the City Council on 10/05/05. A Variance is exercised upon approval of a business license to conduct the activity, if one is required, or, otherwise, upon issuance of a certificate of occupancy or approval of a final inspection. The applicant has not been issued a business license or a certificate of occupancy nor have they received a final inspection for the proposed tavern use. No building permits have been issued for the proposed development. The applicant indicates that the Extension of Time is needed due to “delays in finalizing design issues.”

## FINDINGS

Staff supports the subject Extension of Time for the approved Variance. The applicant has demonstrated that they are working towards the establishment of the proposed use on the subject site. A condition of approval has been added, which recommends that the extension be allowed for one year or until such time as another Extension of Time application is approved.

## NEIGHBORHOOD ASSOCIATIONS NOTIFIED

N/A

## ASSEMBLY DISTRICT      N/A

## SENATE DISTRICT      N/A

## NOTICES MAILED      N/A

## APPROVALS      0

## PROTESTS      0